

RESOLUTION #79- 47

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SUMMIT
STATE OF COLORADO

WHEREAS, KEY WEST FARMS, INC. has made application to the Summit County Commissioners to change the zoning classification of the following described property:

TRACTS A,B,F, AND G AND LOTS 29 AND 30 KEY WEST FARMS

located entirely within the unincorporated area of Summit County from SU-1 & B-1 to PUD R-4,R-25 which will allow a maximum of 208 dwelling units (mixture of housing types) and approximately Community/Recreation Center and Restaurant (7000 to 1400sq.ft on 19.93 acres, with the exact number to be determined upon submission and review of the necessary material as stipulated in the Summit County Common Review Procedures.

All current applicable county requirements must be met prior to subdivision or construction.

WHEREAS, said request has been recommended favorably by the Summit County Regional Planning Commission; and

WHEREAS, notice of the public hearing was published at least 30 days prior to the hearing; and

WHEREAS, signs were posted according to requirements specified in the Summit County Common Review Procedures; and

WHEREAS, said public hearing was held on the advertised date and at the specified time; and

WHEREAS, testimony was heard from proponents and opponents; and

WHEREAS, the Board of County Commissioners has considered the recommendations of the Regional Planning Commission and the testimony offered at the public hearing;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners do hereby grant said zoning request subject to the following conditions:

1. Master PUD Improvements Agreement be submitted and approved prior to the filing of any Final Plat on subject property. The agreement will be recorded in the Clerk and Recorders' Office as separate from the Resolution.

ATTEST:

Arllys H. Ward

Arllys H. Ward, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS

Elizabeth H. Etie
Elizabeth Etie, Chairman

MAY 7, 1979

197305

SUMMIT COUNTY
CLERK AND RECORDER

AGREEMENT

THIS AGREEMENT, made this 4th day of September SEP 28 3 15 PM '79, 1979
by and between the Board of County Commissioners of Summit County, ARLYS H. WARD
Colorado hereinafter referred to as the "COUNTY", and Key West Farms,
Inc., a Colorado Corporation hereinafter referred to as "KEY WEST".

WITNESSETH

WHEREAS, KEY WEST is the owner of real property located in Summit County known as Tracts A, B, F and part of G and lots 29 and 30, Key West Farms, according to the recorded plat, hereinafter referred to as the PROPERTY.

WHEREAS, KEY WEST has requested approval of rezoning the PROPERTY into a P.U.D. known as the RESUBDIVISION OF TRACTS A, B, F, and part of G and lots 29 and 30 or the Key West Farms, P.U.D.; and

WHEREAS, the COUNTY is interested in ensuring that certain conditions be fulfilled by KEY WEST in the development of this PROPERTY in order to protect the public health, safety and welfare;

COVENANTS

NOW, THEREFORE, in consideration of the recitals, premises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. COUNTY REVIEW

(a) It is understood that all structures on the PROPERTY, except single family, must be submitted to the County for site plan review prior to the issuance of a building permit. Said review may be concurrent with the review of a final plat.

2. IMPROVEMENTS

(a) Upon approval by the COUNTY of the rezoning of the PROPERTY, KEY WEST agrees, prior to the recording of the first plat, to provide assurances as provided for in Summit County BOCC Resolution 77-50 for the completion of the rough grading of Holly Court, and the design and construction of the water and sewer mains in Holly Court. Water and sewer mains in lot 62 will be constructed as the phases or units are constructed.

(b) Prior to the granting of any building permit in the PROPERTY, KEY WEST agrees to design and construct to County Standards the street shown on the plat, known as Holly Court. This street will be twenty-eight (28) feet wide from back of curb to back of curb and will have twenty-four (24) feet of asphalt. In addition, Soda Ridge Road from the intersection of Tally Ho Court on the south to the intersection of Swan Mountain Road on the north will be paved with twenty-six (26) feet of asphalt, but will not be required to have curb and gutter.

(c) KEY WEST agrees to design a detailed landscaping and revegetation plan for the PROPERTY encompassed by each site plan. No certificate of occupancy for any structure will be issued until those landscape improvements shown on said plan are complete or until security adequate

to guarantee their completion is arranged with the COUNTY.

3. COUNTY PARK FEE

Prior to the recording of any final plat for lots 64 - 71, KEY WEST agrees to pay to the COUNTY the Public Open Space acquisition and development fee in accordance with Summit County Subdivision Regulations Section IV-4 (provisions for public open space), in the amount of \$200.00 per unit as shown on the final plan. \$200.00 per unit will be paid for 16 units of Lot 61 and 180 units of Lot 62, at the time an application for site plan review is submitted. This amount will be placed into a special account for public use areas in the "Snake River Valley".

4. SEWER TAPS

It is understood that taps for sewer will be available during the projected years of construction on a first come first serve basis provided that the construction rate for previously committed taps in the Snake River Basin does not increase rapidly. In that event a delay in construction could be imposed until a new plant is completed or taps become available as a result of policies issued by the Commissioners.

5. RENTAL HOUSING GUARANTEE

KEY WEST will restrict 132 of the 180 units on Lot 62 to be rental units for a period of 5 years from time of issuance of each Certificate of Occupancy. These rental units will be designated on the site plan documents to be submitted prior to issuance of a building permit for any or all of the structures on Lot 62; in the Key West Condominium Declarations and Restrictions which shall be recorded in Summit County records pertaining to each unit to be constructed; and on the condominium map for each complex of units. Any change in the rental status would require commissioner approval.

6. FIRE PROTECTION

KEY WEST by means of this document when recorded shall require the current owners of any interest in any lot to join any Fire District which would request Key West Farms residents to join or to be annexed to any district as approved by the COUNTY.

KEY WEST further shall provide a suitable site to a District for a fire station, if approved by all parties involved and proper compensation is provided.

7. EASEMENTS

Easements for water and sewer mains, gas, electricity, etc. shall be granted to the proper entity requiring easements. Easements will be shown on plats or in Declarations or Restrictions as recorded.

KEY WEST also dedicates for a public road a triangle of ground beginning at the northeast corner of Lot 62, 200 feet along the west side of Soda Ridge Road and 200 feet along the South side of Swan Mountain Road. In addition 50 feet along the South side of Swan Mountain Road will be dedicated for public roads as shown on the utility and easement map of the P.U.D.

8. RECORDING

This Agreement may be recorded in order to put prospective

purchasers or other interested parties on notice as to any of the terms contained herein. A release executed by the Board of County Commissioners shall be binding upon the COUNTY and release the PROPERTY from any claim by the COUNTY under the terms hereof.

9. BREACH

If at any time any part hereof has been breached by KEY WEST, the COUNTY may withhold approval of any or all building permits applied for on the subject property until the breach or breaches has or have been cured.

10. BINDING EFFECT

The agreements and covenants as set forth herein shall run with the land and be binding upon KEY WEST, its heirs, successors, representatives and assigns, and all persons who may hereafter acquire an interest in the subject PROPERTY or any part thereof.

EXECUTED on the day and year first above written.

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS

By: Elizabeth H. Etie
Elizabeth Etie, Chairman

KEY WEST FARMS, INC.

By: Philip D. Hill
V. Pres

Attest: Orlyo H. Ward

Date: SEPT. 4, 1979

SEE EXHIBIT A : DEVELOPMENT PARKING PLAN filed w/ the
CLERK & RECORDER'S OFFICE, SUMMIT COUNTY
CLERK

222086

SUMMIT COUNTY
CLERK AND RECORDER

APR 10 2 32 PM '80
ARLYS H. WARD

AMENDMENT TO AGREEMENT

The undersigned Board of County Commissioners of Summit County, Colorado and Key West Farms, Inc., as parties to the certain Agreement dated September 4, 1979 concerning Tracts A,B,F and part of G, and Lots 29 and 30, KEY WEST FARMS, which Agreement was recorded September 28, 1979 as reception no. 197305 of the Summit County records, hereby amend paragraph 5 thereof to read as follows:

5. RENTAL HOUSING GUARANTEE

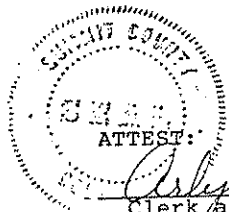
KEY WEST will restrict 66 of the 180 units on Lot 62 to be rental units for a period of 10 years from time of issuance of each Certificate of Occupancy. These rental units will be designated on: the site plan documents to be submitted prior to issuance of a building permit for any or all of the structures on Lot 62; in the Key West Condominium Declarations and Restrictions which shall be recorded in Summit County records pertaining to each unit to be constructed; and on the condominium map for each complex of units. Any change in the rental status would require commissioner approval.

In all other respects said Agreement shall remain in full force and effect as written.

EXECUTED this 27th day of August, 1980.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: J. A. Brunner
Chairman



ATTEST:
Arlys H. Ward
Clerk and Recorder

KEY WEST FARMS, INC.

BY: Peter H. Buchanan
President

ATTEST:
Cheryl D. Keef
Secretary

SECOND AMENDMENT TO AGREEMENT

THIS AMENDMENT is made this 16th day of February, 1983, by and between the Board of County Commissioners of Summit County, Colorado (hereinafter the "County"), and Key West Farms, Inc. (hereinafter "Key West"), to that certain Agreement between the parties dated September 4, 1979, recorded on September 28, 1979 as reception no. 197305 of the Summit County records, as amended by the Amendment to Agreement dated August 27, 1980, recorded April 10, 1981 as reception no. 222086 of the Summit County records.

FILED
FEB 10 2 46 PM '83
CLERK OF COUNTY RECORDS
SUMMIT COUNTY, COLORADO

252461

WHEREAS, the September 4, 1979 Agreement, as amended, concerns the development of Tracts A, B, F and part of G, and Lots 29 and 30, KEY WEST FARMS, Summit County, Colorado, and provides in paragraph 5 thereof for designated rental units on Lot 62;

WHEREAS, the rental unit program reflected in the Agreement assumed the availability of federally guaranteed financing for restricted rental units, and such financing is no longer available;

WHEREAS, Key West has now requested that the Agreement be further amended so as to provide units permanently restricted to employee housing rather than units temporarily restricted to rental, such employee housing to be in accordance with County policies developed since the original Agreement;

NOW, THEREFORE, in consideration of the premises, the parties hereby amend paragraph 5 of the September 4, 1979 Agreement, as previously amended, to read as follows:

5. EMPLOYEE HOUSING RESTRICTION

Fifteen of the 180 units on Lot 62 shall be reserved for employee housing through a covenant between Key West and the County, in form acceptable to the County, to be executed prior to the issuance of building permits on Lot 62.

In all other respects said Agreement shall remain in full force and effect as written.

EXECUTED as of the date first above written.



ATTEST:

Colleen Buchman
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: Don Peterson
Chairman

KEY WEST FARMS, INC.

BY: Richard D. Hill
President

ATTEST:

Kenneth A. Hammer
Secretary

242555

SUMMIT COUNTY
CLERK AND RECORDER

JUL 20 2 51 PM '82

ARLYS H. WARD

RESOLUTION NO. 1982-57
Before the Board of County Commissioners of the
County of Summit
State of Colorado

AMENDING KEY WEST FARMS PUD TO PERMIT ADDITIONAL UNIT ON LOT 61

WHEREAS, the Board of County Commissioners has heretofore approved a development plan and plat for the Key West Farms Planned Unit Development, allocating 16 dwelling units to Lot 61 thereof;

WHEREAS, David Ingram, the present owner of Lot 61, has requested the amendment of the Planned Unit Development to permit 16 unrestricted dwelling units plus a manager's unit to be developed on the said lot;

WHEREAS, the request has been reviewed by the Planning Department and the Regional Planning Commission, and their recommendations have been forwarded to the Board of County Commissioners;

WHEREAS, the Board of County Commissioners has held a public hearing on the request on December 15, 1981, and considered the testimony and comments made at the hearing;

WHEREAS, the Board finds that the request is consistent with the Planned Unit Development and will promote the public health, safety and welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO, that the Key West Farms Planned Unit Development is hereby amended so as to permit 16 unrestricted dwelling units plus one unit restricted to use by a property manager on Lot 61, Key West Farms P.U.D., Summit County, Colorado; provided, that a covenant designating the manager's unit and its restricted use, in form acceptable to the County, shall be executed prior to the issuance of certificate of occupancy for the units.

ADOPTED this 16th day of July, 1982.



BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: Judith G. McBride
Judith G. McBride, Chairman

Arlys H. Ward
Arlys H. Ward, Clerk and Recorder

AMENDMENT TO PUD AGREEMENT

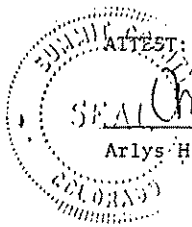
The undersigned parties to that certain Agreement dated September 4, 1979, concerning Tracts A, B, F and part of G and Lots 29 and 30, KEYWEST FARMS, Summit County, Colorado, recorded September 28, 1979, as Reception No. 197305 of the Summit County records, hereby amend paragraph 2(b) of the said Agreement as follows:

SUMMIT COUNTY
CLERK AND RECORDER
SEP 10 9 00 AM '81
ARLYS WARD

The required width of asphalt for Holly Court shall be twenty (20) feet rather than twenty-four (24) feet.

In all other respects, the said Agreement shall remain in full force and effect.

EXECUTED effective September 1, 1981.



Arlys H. Ward
Arlys H. Ward, Clerk and Recorder

Board of County Commissioners
of Summit County, Colorado

By: Tor A. Brunvand
Tor A. Brunvand, Chairman

KEYWEST FARMS, INC.

By: Philip H. Geel
President

ATTEST:

Gertrude P. Primm
Secretary

249270

SUMMIT COUNTY
CLERK OF COUNTY RECORDS

DEC 13 3 13 PM '82
ARLYS H. WARD

RESTRICTIVE COVENANT
(Property Manager's Unit)

THIS COVENANT is made this 10 day of December, 1982
between the BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO,
hereinafter referred to as the "County", and Chateau Audion
Condo's Association, whose address is P.O. Box 956
Dillon, Colo 80435 hereinafter referred to as the "Applicant".

WHEREAS the Applicant is the owner of certain real property located
in Summit County, Colorado particularly described as Lot 61, Key West
Farms P.U.D., according to the recorded plat thereof, said real property
being hereinafter referred to as the "Property";

WHEREAS, pursuant to Resolution No. 82-57, adopted by the County on
July 6, 1982, and recorded July 20, 1982 as Reception No. 242555 of the
Summit County records, one of the dwelling units to be developed on the
Property is to be restricted to use by a property manager for the
property through a covenant between the parties;

NOW, THEREFORE, in consideration of the premises, and other good
and valuable consideration hereby receipted for, the parties hereto agree
as follows:

1. Property Manager's Unit Defined. For purposes of this Covenant,
"property manager's" unit shall be defined as a dwelling unit restricted
in its use to long-term rental to a person or persons residing and employed
in Summit County, Colorado, whose employment includes day-to-day on-site
management of the Property. "Long-term rental shall mean rental to the manager
or, if terminated, to his successor, for a term of at least six (6) months.
2. Units Restricted. The following dwelling unit on the Property shall
be used only as a property manager's unit as defined herein.
3. Name of Property Manager. Upon request of the County, the Applicant
shall, within ten (10) days of such request, provide the County with the
name of the current property manager.
4. Enforcement. Should the Applicant violate the Covenant, the County
shall be entitled to all costs, including reasonable attorney's fees,
incurred in enforcing the same.

5. Binding Effect. This Covenant shall run with the land and be binding upon the Applicant, its successors, representatives and assigns and all persons who may hereafter acquire an interest in the Property or any part thereof.

EXECUTED as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: Judith G. McBride
Judith G. McBride, Chairperson

ATTEST:

Arllys H. Ward
Arllys H. Ward, Clerk and Recorder

"APPLICANT"

Chateau Acadia Condominiums
BY: Charles S. Patton

ATTEST:

Charles S. Patton
Secretary

State of Colorado)
County of Summit) ss.

The foregoing was acknowledged before me the 10 day of December, 1982, by Charles S. Patton, Jr. as President of Chateau Acadia Condominiums

My commission expires: May 4, 1986

Frank Steiner
Notary Public



My Commission Expires May 4, 1986
P. O. Box 588
Breckenridge, Colorado 80424